

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LYDIA BENT et al.,)	
)	
Plaintiff,)	
vs.)	No. 3:13-CV-2038-D-BH
)	
MACKIE WOLFE ZIENTZ & MANN, P.C., et al.,)	
)	
Defendant.)	Referred to U.S. Magistrate Judge

MAGISTRATE JUDGE’S QUESTIONNAIRE TO LYDIA BENT

Pursuant to Special Order No. 3-251, this case has been referred for judicial screening. Attached is a document entitled “Answers to Magistrate Judge’s Questionnaire.” You must answer the questions in that document in the space provided for answer. If necessary, you may attach additional pages to fully answer the questions. Do not write on the back of the pages. You must verify the answers under penalty of perjury on the signature line at the conclusion of the questions and return them to the Court within **fourteen (14) days** of the date of this questionnaire. Failure to file answers may result in the dismissal of the action for failure to prosecute or follow court orders.

DATED this 3rd day of June, 2013.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

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Plaintiff,)	
vs.)	No. 3:13-CV-2038-D-BH
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MACKIE WOLFE ZIENTZ & MANN, P.C., et al.,)	
)	
Defendant.)	Referred to U.S. Magistrate Judge

LYDIA BENT’S ANSWERS TO MAGISTRATE JUDGE’S QUESTIONNAIRE

QUESTION 1: For defendant Mackie Wolfe Zientz & Mann, P.C., provide the following information:

- a. The specific causes of action or claims that you are asserting against this defendant;
- b. A brief summary of all facts that support **each** of your claims against this defendant. State the **place** and the **date** (month, day, and year) that each of those actions took place;
- c. The specific relief you are seeking from this defendant through this lawsuit; and
- d. Whether you have previously sued this defendant based on the same facts. If so, provide the name of the lawsuit, the case number, the court where it was filed, and the disposition.

ANSWER:

QUESTION 2: For defendant Mortgage Electronic Registration Systems Inc. (MERS), provide the following information:

- a. The specific causes of action or claims that you are asserting against this defendant;
- b. A brief summary of all facts that support each of your claims against this defendant. State the place and the date (month, day, and year) that each of those actions took place;
- c. The specific relief you are seeking from this defendant through this lawsuit; and
- d. Whether you have previously sued this defendant based on the same facts. If so, provide the name of the lawsuit, the case number, the court where it was filed, and the disposition.

ANSWER:

QUESTION 3: For defendant U.S. Bank National Association, provide the following information:

- a. The specific causes of action or claims that you are asserting against this defendant;
- b. A brief summary of all facts that support **each** of your claims against this defendant. State the **place** and the **date** (month, day, and year) that each of those actions took place;
- c. The specific relief you are seeking from this defendant through this lawsuit; and
- d. Whether you have previously sued this defendant based on the same facts. If so, provide the name of the lawsuit, the case number, the court where it was filed, and the disposition.

ANSWER:

QUESTION 4: For defendant Blue Mountain Homes LLC, provide the following information:

- a. The specific causes of action or claims that you are asserting against this defendant;
- b. A brief summary of all facts that support each of your claims against this defendant. State the place and the date (month, day, and year) that each of those actions took place;
- c. The specific relief you are seeking from this defendant through this lawsuit; and
- d. Whether you have previously sued this defendant based on the same facts. If so, provide the name of the lawsuit, the case number, the court where it was filed, and the disposition.

ANSWER:

QUESTION 5: Have you been evicted from the property from which the defendants sought to evict you? _____YES _____NO

a. If yes, state:

- 1) the name of the party that evicted you _____
- 2) the type of proceeding. _____
- 3) the date that the proceeding was filed. _____
- 4) the case number or other identifying number of the proceeding.

- 5) the court where the proceeding was filed. _____
- 6) the date the proceedings concluded. _____
- 7) the outcome of the proceedings _____
- 8) the date of your eviction. _____

b. If no, has there been a civil action or lawsuit to evict you from that property?
_____YES _____NO

If there has been a civil action or lawsuit to evict you from that property, state:

- 1) the type of proceeding. _____
- 2) the date that the proceeding was filed. _____
- 3) the case number or other identifying number of the proceeding.

- 4) the court where the proceeding was filed. _____
- 5) whether the proceedings are still pending _____
- 6) the date the proceedings concluded. _____
- 7) the outcome of the proceedings _____

c. Are you seeking relief from eviction through this lawsuit? _____YES _____NO

QUESTION 6: If a judgment was entered against you in the eviction proceedings, did you appeal the judgment of eviction to another state court? _____YES _____NO

If yes, state:

- 1) the date that the appeal was filed. _____
- 2) the case number or other identifying number of the appeal.

- 3) the court where the appeal was filed. _____
- 4) whether the appeal has concluded. _____
- 5) the outcome of the appeal _____
- 6) whether you are attempting to appeal the appellate court's judgment to this court

If no, state whether you are attempting to appeal that state eviction judgment to this court.

_____YES _____NO

ANSWER:

QUESTION 7: You allege negligence or negligent representation.

- a. What was the representation made to you that you contend was false?
- b. Specifically, who made that allegedly false representation to you?
- c. Explain if, and why, you think the person making the representation had a pecuniary interest in the underlying transaction.
- d. Explain if, and why, you think that the person making the representation did not exercise reasonable care or competence in obtaining or communicating that information to you.
- e. Describe how the representation caused you injury.

ANSWER:

QUESTION 8: You assert claims under the Federal Debt Collection Practices Act (FDCPA).

- a. Explain which defendant is attempting to collect a debt from you.
- b. Explain if and how the debt relates to a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for “personal, family, or household purposes.”
- c. Was the debt in default at the time it was acquired by the person who is attempting to collect it from you?
- d. What facts lead you to believe that the person attempting to collect the debt from you collects debts as the “principal purpose” of their business or collects debts “regularly.”
- e. Describe the communications that you have received from the person attempting to collect the debt from you, e.g., state the date, time, form, etc. of each communication.
- f. How have you responded, or what steps have you taken to respond, to these communications?

ANSWER:

QUESTION 9: In the prayer to your complaint, you request to quiet title to the property at issue. Are you asserting a suit to quiet title? _____YES _____NO

- a. State and/or describe your interest in the property at issue.
- b. Which defendant is asserting a claim to the property at issue and thereby affecting your title to it?
- c. What is the defendant's claim, and how does it interfere or affect your title to the property at issue?
- d. State, specifically, why the defendant's claim is invalid or legally unenforceable.
- e. Why is your right or title to the property at issue superior to the defendant's?

ANSWER:

QUESTION 10: What relief are you seeking through this lawsuit? Describe specifically anything that you are asking this court to do as a result of your lawsuit.

ANSWER:

STATE OF TEXAS

COUNTY OF _____

VERIFICATION

I understand that a false statement or answer to any interrogatory in this cause of action will subject me to penalties for perjury. I declare (or certify, verify or state) under penalty of perjury that the foregoing answers are true and correct. 28 U.S.C. § 1746.

SIGNED on this _____ day of _____, 2013.

(Signature of Plaintiff Lydia Bent)